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BY ECF

Clerk of Court
 United States District Court
 Western District of Wisconsin

Re: *Dawson v. Great Lakes Educational Loan Services, Inc.*, No. 15-CV-475

In Great Lakes' opening and reply briefs in support of their motion for summary judgment, filed on June 3 and August 16, 2019, we explained why the RICO count in Ms. Dawson's complaint does not state a valid claim because she did not plead a pattern of racketeering activity. Specifically, her fraud allegations failed to satisfy Rule 9(b) and therefore could not support a pattern of racketeering activity, and she neither alleged nor can prove either open-ended or close-ended continuity. Opening Br. 38–49, Dkt. 218 at 47–58; Reply Br. 33–37, Dkt. 262 at 42–46.

A November 12, 2019 decision by the Court of Appeals for the Seventh Circuit demonstrates the continuing strength of these points, in affirming dismissal for failure to plead a pattern of racketeering activity of a RICO claim containing allegations far more detailed than Dawson's. *Menzies v. Seyfarth Shaw LLP*, No. 18-3232. Specifically, the court refused to treat fraud allegations pled without requisite Rule 9(b) particularity as RICO predicate acts. Slip op. at 20–21. Further, the court refused to find that continuity existed where the scheme alleged did not "present[] any meaningful prospect of continuing." Slip op. at 25; *accord id.* at 23–25. Using Fed. R. App. P. 28(j) as our model, we provide the decision as supplemental authority supporting our motion.

Very truly yours,

s/ Thomas L. Shriner, Jr.

Thomas L. Shriner, Jr.

cc: All counsel of record (by ECF)

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